

**CARES ACT
ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF (ESSER) FUND
Frequently Asked Questions (FAQs)**

Disclaimer: All the information below is based upon the Connecticut State Department of Education's (CSDE) review of the law and information available to date. This information is subject to change as final guidance and information is released by the U.S. Department of Education (USDE). This document is considered a living document, and it will be updated incrementally as guidance is available. Local Education Agencies (LEAs) should check this FAQ frequently for new information.

VERSION 1.1—UPDATED AS OF JUNE 22, 2020

WHAT IS THE CARES ACT?

The CARES Act is the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136 (H.R. 748), 34 Stat. 281 (March 27, 2020). This new federal law is intended to provide economic stimulus to individuals, businesses, and schools. It provides two funding streams for aid to state and local educational agencies:

1. The Elementary and Secondary School Emergency Relief (ESSER) Fund outlined in section 18003 is the main funding stream dedicated to schools. Connecticut has been allocated approximately \$111 million, of which at least 90 percent must go out to LEAs as formula grants. The remaining 10 percent may be reserved for coronavirus-related emergency needs as determined by CSDE, with up to .5 percent for state-level administration. This small portion of the grant will be referred to as the nonformula setaside.
2. The Governor's Emergency Education Relief (GEER) Fund outlined in section 18002 is a second funding stream. It allows the Governor to distribute funds to LEAs, institutions of higher education, and other education-related entities most affected by COVID-19 to support activities authorized under the Elementary and Secondary Education Act (ESEA) and Higher Education Act (HEA), and entities focused on child care and early childhood education, social and emotional support, and the protection of education-related jobs. Connecticut was awarded approximately \$27.8 million through the GEER Fund. These funds will benefit more than primary and secondary education, and they will not be distributed in accordance with a specific formula. More information will be forthcoming from the Governor's Office on this funding opportunity.

DOES THE CARES ACT INCLUDE A SUPPLEMENT, NOT SUPPLANT REQUIREMENT?

No. Neither the ESSER Fund nor the GEER Fund includes a supplement, not supplant requirement.

DOES THE CARES ACT SPECIFY FUNDING OBLIGATION TIMEFRAMES?

Funds under both ESSER and GEER will be available for obligation at the Federal level through September 30, 2022. Any money that remains after a year must be returned to the USDE for reallocation to other states.

AM I ELIGIBLE FOR A CARES ACT GRANT, AND HOW MUCH WILL I RECEIVE?

The formula portion of ESSER funding will be allocated to LEAs according to their proportionate share of Title I funds. For example, an LEA which received 10 percent of the state's total 2019-20 school year Title I funding will receive 10 percent of the state's total CARES Act funding.

WHILE THE CALCULATION OF ESSER FUND ALLOCATIONS IS BASED UPON PROPORTIONATE SHARE OF TITLE I FUNDS, ESSER FUNDS ARE NOT TITLE I FUNDS.

**THE RULES WHICH GOVERN TITLE I
DO NOT APPLY TO SPENDING UNDER THE CARES ACT.**

WHAT ARE THE GENERAL REQUIREMENTS FOR LEAs TO RECEIVE CARES ACT FUNDING?

- As federal education funding, grants are subject to Education Department General Administrative Regulations (EDGAR) and Office of Management and Budget (OMB) Guidance. Regulations must be followed with regard to procurement, record keeping, disposition, etc.
- LEAs will need to consult with various stakeholders at the local level to ensure that the most at-risk students' needs are met including students with disabilities, English learners, foster children, McKinney-Vento (homeless) eligible children, free/reduced-priced meal eligible children, and students who are racial and/or ethnic minorities.
- LEAs will be required to track CARES grant expenditures through a separate account, using the same procedures used for other federal funds, including maintenance of appropriate documentation. Account numbers, CFDA, award numbers, and other fiscal information will be provided through the grant application and award letter process.

ARE THERE SPECIAL REQUIREMENTS TO BE ELIGIBLE FOR CARES ACT FUNDING?

As a condition of receiving the funds, section 18006 of the CARES Act that states: "A local educational agency, State, institution of higher education, or other entity that receives funds under "Education Stabilization Fund," shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus."

In your application for CARES Act funding, you will be required to confirm you have been paying to the greatest extent practicable employees and contractors* during the closure or disruptions related to the coronavirus, or that you will begin doing so immediately. If you are not able to attest to this fact, you must provide a reasonable explanation.

* Please refer to Executive Order 7R for guidance on continuing to pay district employees and contractors.

WHAT FLEXIBILITIES DOES THE CARES ACT OFFER TO LEAs?

The CARES Act includes provisions that allow the Secretary of Education to waive assessment, accountability, certain reporting, and funding carryover timelines. CSDE has received initial approval of its assessment and accountability waivers. The following additional waivers have been approved and offer financial flexibilities:

Approved Waiver	Allowable Action
<p>Section 1127(a) which allows an SEA to waive the 15 percent Title I, Part A, carryover limitation only once every three years.</p>	<p>For Title I, Part A funds awarded in school year 2019-20, there is no limitation on the amount of funds that may be carried over into the second year of the grant period (i.e., Title I, Part A funds that will become carryover funds on October 1, 2020).</p>
<p>Period of availability of Federal Fiscal Year (FFY) 2018 funds (2018-20 grant period).</p> <p>These are the programs in which CSDE participates under its approved consolidated State plan until September 30, 2021.</p>	<p>The period of availability of FFY 2018 allocations—federal grants in their second year of the 2018-20 grant period that were scheduled to end June 30, 2020—has been extended through September 30, 2021:</p> <ol style="list-style-type: none"> 1. Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portion of the SEA's Title I, Part A award used to carry out section 1003 school improvement; 2. Title I, Part D, Subpart 2 of the ESEA; 3. Title I, Part B of the ESEA (State Assessment Formula Grants); 4. Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk); 5. Title II, Part A of the ESEA (Supporting Effective Instruction); 6. Title III, Part A of the ESEA (English Language Acquisition); 7. Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants); 8. Title IV, Part B (21st Century Community Learning Centers); 9. Title IX, Part A of ESEA (McKinney-Vento Education for Homeless Children and Youth Program); 10. Title I of the Carl D. Perkins Career and Technical Education Act of 2006; and 11. Title II of the Workforce Innovation and Opportunity Act (Adult Education and Family Literacy Act). <p><i>Note: IDEA Part B Sections 611/619 Special Education funds were not addressed in the CARES Act waiver language. The encumbrance and liquidation deadlines for funds for FY 19 IDEA Part B ending 6/30/20 have not been extended at this time.</i></p>

WHAT FLEXIBILITIES DOES THE CARES ACT OFFER TO LEAs?

(continued)

Approved Waiver	Allowable Action
<p>Title IV, A</p> <p>As of April 27, 2020, these requirements are only applicable to LEAs that received \$30,000 or more in Title IV, Part A funds. CSDE is pursuing authority to also waive these provisions for grants less than \$30,000.</p>	<p>The following are waived:</p> <ol style="list-style-type: none">1. Needs assessment requirements for the 2019-20 school year (Sec. 4106(d)).2. Content area spending requirements (Sec. 4106(e)(2)(C), (D), and (E))—waives minimum percentage for activities under sections<ul style="list-style-type: none">• 4107/well-rounded educational opportunities;• 4108/safe and healthy students; and• 4109/effective use of technology.Applies to FFY 2019 funds and available FFY 2018 carryover.3. Spending limitation (Sec. 4109(b))—the 15 percent limit on the use of funds under section 4109 to purchase technology infrastructure. Applies to FFY 2019 funds and available FFY 2018 carryover.
<p>Section 8101(42) of ESEA: Definition of Professional Development.</p>	<p>LEAs may utilize their applicable federal funds to conduct time-sensitive, one-time, or stand-alone professional development focused on supporting their educators to provide effective distance learning. Applies to the 2019-20 school year.</p>

MY LEA IS NOT ELIGIBLE FOR TITLE I OR RECEIVES A MINIMAL AMOUNT OF TITLE 1 FUNDS. IS THERE AN OPPORTUNITY FOR US TO RECEIVE CARES ACT FUNDING?

LEAs may still receive support through CSDE's nonformula setaside.

ARE ONLY TITLE I SCHOOLS ELIGIBLE TO RECEIVE SUPPORT THROUGH THE CARES ACT?

No. LEAs may spend their ESSER Funds on any allowable activity identified in Section 18003(d), and while many of these may be districtwide activities, others may be dedicated to a specific school - Title 1 or not. As an example, an LEA may choose to support principals and other school leaders with resources to address their school's individual needs. This is allowable, regardless of the school's Title I status.

HOW WILL WE APPLY FOR ESSER FUNDS?

The ESSER Fund district application was released on June 19, 2020.

WHAT ARE ALLOWABLE EXPENSES OR ACTIVITIES FOR ESSER FUND GRANTS?

1. Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act ([20 U.S.C. 6301](#) et seq.), the Individuals with Disabilities Education Act ([20 U.S.C. 1400](#) et seq.) (“IDEA”), the Adult Education and Family Literacy Act ([20 U.S.C. 1400](#) et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 ([20 U.S.C. 2301](#) et seq.) (“the Perkins Act”), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11431](#) et seq.).
2. Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.
3. Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.
4. Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.
5. Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
6. Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
7. Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.
8. Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act ([20 U.S.C. 1401](#) et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.
9. Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.
10. Providing mental health services and supports.
11. Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.
12. Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

WILL THERE BE SPECIAL REPORTING REQUIREMENTS ASSOCIATED WITH ESSER FUND GRANTS?

The CARES Act requires recipients who receive more than \$150,000 to report:

- a. the total amount of funds received from the USDE;
- b. the amount spent or obligated for each project or activity supported with CARES Act funds;
- c. a list of projects supported with CARES Act funds (including name, description, and estimated number of jobs created or retained); and
- d. information on subcontracts and subgrants.

More specific details regarding how these data will be reported to CSDE will be shared later.

ARE LEAs REQUIRED TO PROVIDE EQUITABLE SERVICES FOR PRIVATE SCHOOLS?

Yes. An LEA that receives funds under the CARES Act programs must provide equitable services to students and teachers in a private school (Section 18005).

Non-profit private schools with low-income students who reside in a participating 2019-20 school year Title I public school attendance area are eligible to participate.

All private school students and teachers in an eligible private school may participate without regard to family income, residency, or eligibility based on low achievement.

WHAT SERVICES AND BENEFITS UNDER THE CARES ACT PROGRAMS ARE AVAILABLE TO PRIVATE SCHOOL STUDENTS AND TEACHERS?

In general, the services and benefits available to private school students and teachers are the same as those available to public school students and teachers and entail the broad range of allowable activities under the CARES Act programs. Equitable services provided must meet the needs of the private school's students and teachers, regardless of the specific uses determined by the LEA to meet its own students' and teachers' particular needs. In addition, equitable services under the CARES Act programs may benefit a private school. For example, the purchase of supplies to sanitize and clean the facility and technology for distance learning would be allowable. LEAs may provide services directly or may contract with a public or private entity to deliver the services. Equitable services provided to private school students and teachers should be determined in consultation with private school representatives.

CAN A PRIVATE SCHOOL CHOOSE TO ACCEPT CARES ACT FUNDING EVEN IF IT TURNED DOWN TITLE I, PART A EQUITABLE SERVICES FOR THE 2019-20 SCHOOL YEAR?

Yes. A private school that did not participate in Title I, Part A equitable services during the 2019-20 school year can choose to participate in the CARES Act programs.

MUST AN LEA MAINTAIN CONTROL OF CARES ACT FUNDS USED TO PROVIDE EQUITABLE SERVICES?

Yes. Control of funds for services and assistance provided to private school students and teachers under the CARES Act programs, and title to materials, equipment and property purchased with such funds, must be in a public agency, and a public agency must administer such funds, materials, equipment, and property. No funds may go directly to a private school.

IS A FOR-PROFIT PRIVATE SCHOOL ELIGIBLE TO RECEIVE EQUITABLE SERVICES FOR ITS STUDENTS AND TEACHERS UNDER THE CARES ACT PROGRAMS?

No. A for-profit private school is not eligible to participate in equitable services.

WHAT HAPPENS IF A PRIVATE SCHOOL DECLINES TO PARTICIPATE IN THE CARES ACT PROGRAMS OR CANNOT BE REACHED?

If a private school declines to participate in the CARES Act programs or does not respond to an LEA's good-faith effort to make contact, the LEA has no further responsibility. The LEA, however, must maintain records and be able to demonstrate that it made a good faith effort to contact all the eligible private schools in the LEA.

HOW WILL THE PROPORTIONATE SHARE OF AN LEA'S ESSER FUNDS BE DETERMINED TO PROVIDE EQUITABLE SERVICES IN AN LEA AND HOW WILL INDIVIDUAL PRIVATE SCHOOL ALLOCATIONS BE DETERMINED

The calculation of the public and private school proportionate shares of ESSER Funds will be done in the same manner as under Section 1117 of Title I Part A. Low-income students in a participating private school who reside in a Title I public school attendance area are counted for the purposes of determining the private school's ESSER Fund allocation.

DOES THE CARES ACT INCLUDE FUNDS FOR COMPENSATORY EDUCATION SERVICES FOR STUDENTS WITH AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)?

Yes. ESSER Funds allow any activity authorized under ESEA or IDEA.